

REMARKS

Claims 1-11 remain pending in the application upon entry of this amendment. Independent claims 1 and 5 have been amended, and claim 12 has been canceled. A Request for Continued Examination (RCE) is being submitted herewith to obtain entry and consideration of the amendments.

Favorable reconsideration of the application is respectfully requested in view of the amendments and following remarks.

I. REJECTION OF CLAIMS UNDER 35 USC §§ 102(b) and 103(a)

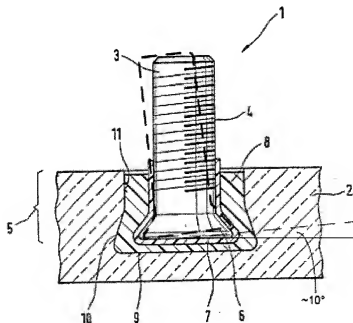
Claims 1-8 and 10-11 stand rejected pursuant to 35 U.S.C. § 102(e), or alternatively 35 U.S.C. § 103(a), as being anticipated by or obvious over Oberhofer et al., U.S. Patent No. 6,735,921 (Oberhofer). Claim 10 also stands rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Oberhofer in view of Mallon, U.S. Patent No. 846,493 (Mallon).¹ Applicants traverse the rejections for at least the following reasons.

A. The Arrangement of Oberhofer Lacks The Undercut Portion As Claimed

Independent claim 1 has been amended to recite a "fixing device for producing an anchoring in an undercut drilled hole drilled only partially into in an undercut portion of a panel". Independent claim 5 has been amended to recite a fixing arrangement that in part includes "a panel having an undercut drilled hole extending only partially through the panel and comprising an undercut portion". The device of Oberhofer lacks the undercut portion as now claimed.

In the claimed invention the undercut drilled hole of the undercut portion of the panel is not a "through hole", but rather is only partially drilled through the panel. The sole figure in the application is reproduced below for convenience, which shows this feature.

¹ The Examiner has not explicitly referenced claim 9 in the Final Office Action. Claim 9 recites the ten-degree inclination feature similar to that of claim 1.



Current Application

In the Advisory Action, the Examiner states "Oberhofer discloses an undercut hole since the hole is flared out; there is [sic - "no"] requirement that the hole not be a through hole. The combination also is maintained as proper." (See Advisory Action at page 2.) It appears that the Examiner may have omitted a word from the second portion of the statement, meaning to say "there is **no** requirement that the hole not be a through hole."

The Examiner relies principally on Fig. 14 of Oberhofer (which is derived from Fig. 1A). Fig. 14 of Oberhofer is reproduced below for convenience.

the fixing device is designed to secure "glass plates [that] have borings or holes ***cut all the way through.***" (E.g., col. 2, lines 30-31, emphasis added.)

In contrast, in the device of the present invention, the resilient material is wholly within the undercut portion 9, the shape of which prevents the anchoring bolt from pulling out. Oberhofer, therefore, does not anticipate the claimed invention because Oberhofer does not disclose a fixing device that is used in conjunction with an undercut drilled hole that is only partially drilled through the panel to form the undercut portion.

Although not specifically referenced by the Examiner, Applicants again draw the Examiner's attention to Figs. 7 and 8 of Oberhofer, which disclose double-pane embodiments. (See also Figs. 17 and 18 showing these embodiments when mounted to a wall structure 120.) These embodiments include an anchoring bolt that secures two panes of glass 1a and 1b, the glass panes being adhered to each other by a film or resin. Even in these embodiments, the resilient material 4 extends through the entire glass pane 1a. A cover plate 13 prevents the bolt from pushing out toward pane 1b, which could otherwise contact and possibly damage the film or resin layer and/or pane 1b. In contrast to the claimed invention, there is still an issue that the bolt may be pushed out from the bolt's position in pane 1a. The cover plate 13 is required to prevent this occurrence. In contrast, in Applicants' configuration such occurrence cannot occur because the undercut portion 9 does not extend through the entire panel. Thus, even in the double-pane embodiments of Oberhofer, the purported undercut hole is a through hole that extends entirely through the first panel.

Accordingly, Oberhofer does not anticipate claims 1-9 and 11, and the rejection of these claims should be withdrawn.

B. Claim 10 Is Not Obvious Over Oberhofer In View of Mallon

Claim 10 recites that the fixing device is anchored in the undercut portion by a curable compound. In the Advisory Action, the Examiner states merely: "The combination is also maintained as proper." No additional explanation is provided. Applicants assume that the reference to "the combination" is to the combination of Oberhofer and Mallon in rejecting claim 10. As demonstrated in response to the Final

Office Action, however, claim 10 is not obvious over the combination of Oberhofer and Mallon.

Initially, Mallon does not make up for the deficiencies of Oberhofer described above, and the Examiner does not indicate otherwise. Accordingly, claim 10 is patentable for at least the same reasons as the other claims.

In addition, one skilled in the art would not combine the teachings of Oberhofer and Mallon. Mallon discloses providing a hard compound surrounding the anchoring bolt to provide a secured fixation. Oberhofer discloses providing a resilient material surrounding the anchoring bolt to provide flexibility to permit some movement of the panel. Mallon and Oberhofer thus teach away from each other. One skilled in the art, therefore, would not combine the teachings of Mallon and Oberhofer.

Furthermore, a combination of Mallon and Oberhofer does not result in, disclose, or suggest the claimed invention. Essentially, such a combination would result in replacing the resilient material in Oberhofer with the hard compound of Mallon, insofar as both references teach a layer to be applied surrounding the anchoring bolt. There is no disclosure or suggestion in the references, whether viewed individually or in combination, to provide a resilient material around the bolt, and then ***a second hard layer around the resilient material***, as recited in claim 10.

The Examiner has not responded specifically to these arguments. For at least these reasons, claim 10 is not obvious over Oberhofer in view of Mallon, and therefore the rejection of claim 10 should be withdrawn.

III. CONCLUSION

Accordingly, claims 1-11 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner consider that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Application No.: 10/560,456

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, reference number FISC0101US.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino

Reg. No. 34,243

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The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113